

Customer No.: 31561  
Application No.: 10/707,708  
Docket NO.: 12646-US-PA

### REMARKS

#### Rejection under 35 U.S.C. 102

Claim 1 are rejected under 35 U.S.C. 102 (e) as anticipated by Callahan et al (US-2004/0193953; hereinafter "Callahan").

In response the rejection thereto, Applicant hereby otherwise traverses the rejection, and submits that independent claim 1 and its dependent claims 2-7 addressed hereby are novel and unobvious over Callahan, and thus should be allowed.

As well defined in the MPEP 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant submits Examiner admitted Callahan does not explicitly teach claimed limitation "if it is found that there is no application program corresponding to the application data, the application data is not restored" as set forth in claim 1. Therefore, for failing to teach every element of claim 1, Callahan does not deem to anticipate the claimed invention as set forth in claim 1. As such, claim 1 is submitted to be novel and unobvious over Callahan or any of the other cited references, taken alone or in combination, and thus should be allowed, then its dependent claims 2-7 are also should be allowed as a matter of law, because these dependent claims contain all features of their respective independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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**Rejection under 35 U.S.C. 103**

Claim 1 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Callahan in view of East et al. (US-6,651,077; hereinafter "East").

In response the rejection thereto, Applicant hereby otherwise traverses the rejection, and submits that independent claim 1 and its dependent claims 2-7 addressed hereby are novel and unobvious over Callahan, East, and thus should be allowed.

As well defined in the MPEP 2143, "to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant submits Callahan and East do not disclose at least the features of "searching an application program corresponding to the application data within a registry of the electronic system" as set forth in claim 1. The above disclosed feature will facilitate that the backup data cannot be easily restored, in order to avoid the system crash.

As current Office Action in page 4, Examiner contends "when the user selects one of the archive files, such as shown with the displayed backup archive 256, all the applications whose configuration settings are backed-up in the selected archive file 16 are

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listed in a select configuration settings section 258 of the GUI panel" can show that a user search all applications corresponding to the configuration settings with registry of the system.

In accordance with above Examiner contended, it is obviously knowing "when the user selects an archive file, an application that configuration setting thereof is backed-up in the selected archive file", so that Callahan does not firstly perform to search the application corresponding to the configuration setting with in a current registry of the system in the computer. Thus, if Callahan does not firstly perform to search the application corresponding to the configuration setting with in a current registry of the system in the computer, that does truly go to make the backup data can be easily restored, and the system in the computer may be likely crashed.

Therefore, for at least foregoing reasons, claim 1 and its dependent claims 2-7 are submitted to be novel, unobvious over Callahan, East, or any of the other cited references, taken alone or in combination, and thus should be allowed.

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**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-8 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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